

PHARMACY BOARD [657]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 124A.2 and 147.76, the Board of Pharmacy hereby amends Chapter 10, “Controlled Substances,” Iowa Administrative Code.

The amendments rescind current rule 657—10.38(124) and adopt new rule 657—10.41(124A). The new rule identifies four synthetic cannabinoids as imitation controlled substances subject to Iowa Code chapter 124A. These substances are not classified as controlled substances subject to the Iowa Controlled Substances Act but have been determined, because these substances can be substituted for a controlled substance to imitate the effect of a controlled substance, to be imitation controlled substances.

These synthetic cannabinoids are similar to the tetrahydrocannabinol (THC) from marijuana in their hallucinogenic and addictive effects. But these substances are from 5 to 800 times more potent than the THC from marijuana. A person can become so intoxicated from smoking or ingesting products treated with these substances that the person ends up in the emergency room with seizures, tremors, acute anxiety, panic, elevated blood pressure, vomiting, hallucinations, rapid heart rate, or rapid respiration, including a loss of consciousness. In recent months, numerous deaths have been related to smoking or other consumption of products containing or treated with one or more of these synthetic cannabinoids. There is currently no accepted urine drug test for the presence of these substances, making it difficult for medical professionals to diagnose and treat a person suffering from the effects of these substances.

Products treated with one or more of these substances are currently available over the counter, marketed as incense in convenience stores, smoke shops, other retailers, and over the Internet. A few

of the currently marketed products, including K2, Spice, and Red Dragon Smoke, consist of mixtures of dried herbs that are sprayed with one or more of these synthetic cannabinoids. Although product labels indicate that the products are not for human consumption, these products are being abused by adults and minors and information available through various sources, including the Internet, encourage the smoking or inhalation of these products as an alternative to marijuana. Many sources identify products treated with these synthetic cannabinoids as “better than marijuana,” often resulting in a more intense and sustained euphoria. Due to the inability to detect these substances in standard urine tests, these products are very attractive to individuals such as criminal offenders, addiction treatment clients, commercial driver licensees, and others with safety sensitive jobs who are routinely subject to urine drug tests.

Waiver or variance of this rule will not be considered.

The amendments were approved during the July 22, 2010, meeting of the Board of Pharmacy.

The Board finds, pursuant to Iowa Code section 17A.4(2) that notice and public participation are unnecessary and impracticable due to the immediate need for these amendments in order to ensure the safety and health of the public.

The Board finds, pursuant to Iowa Code subsection 17A.5(2)"b"(2), that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments should be made effective upon filing with the Administrative rules Coordinator on July 22, 2010. These amendments confer a benefit on the public by identifying potentially dangerous products as imitation controlled substances that produce effects similar to or more potent than drugs controlled pursuant to the federal and state Controlled Substances Acts.

These amendments became effective July 22, 2010.

These amendments are intended to implement Iowa Code sections 124.301 and 124A.2.

The following amendments are adopted.

Item 1. Rescind rule 657—10.38(124).

Item 2. Adopt the following new rule 657—10.41(124A):

657—10.41(124A) Designation of imitation controlled substances.

10.41(1) Synthetic cannabinoids. The following synthetic cannabinoids including products, by whatever trade name, that are treated, sprayed, or saturated with these synthetic cannabinoids, are designated imitation controlled substances subject to the provisions of Iowa Code chapter 124A:

- a. Dexanabinol, (6aS, 10aS)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-211.
- b. 1-butyl-3-(1-naphthoyl) indole, also known as JWH-073.
- c. 1-pentyl-3-(1-naphthoyl) indole, also known as JWH-018.
- d. Phenol, CP 47, 497 and homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, where side chain n=5, and homologues where side chain n=4, 6, or 7.

10.41(2) Product examples. Some currently marketed products containing the imitation controlled substances identified in subrule 10.41(1) include K2, Red Dragon Smoke, Spice, K2 Spice, Mojo, Smoke, Skunk, K2 Summit, and Pandora Potpourri.